IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NOS. 3838; 4870 AND 4882 OF 2005

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WRIT PETITION NO : 3838 of 2005

Between:

1 N. Appalanarasama (died).
2 Narava Appa Rao, S/o Late Nasimhulu, Male, Hindu.
3 Narava Venkata Swamy, s/o Late Narsimhulu, Male,

Hindu.
4 Narava Samba Murthy, s/o Late Narsimhulu, Male, Hindu.
5 Narava Suri Babu, s/o Late Narsimhulu, Male, Hindu.
6 Narava Shankar Rao, s/o Late Yellaiah, Male, Hindu.
7 Narava Chander Rao, s/o Late Yellaiah, Male, Hindu.
8 Narava Mohan Rao, s/o Late Yellaiah, Male, Hindu.
9 Narava Ramana s/o Late Yellaiah, Male, Hindu.
10 Narava Atchayamma, Late Yellaiah, Female, Hindu.
11 Narava Venkata Swamy, s/o Late Sooraiah, Male, Hindu.
12 Narava Eswara Rao, s/o Late Sooraiah, Male, Hindu.
13 Narava Paidi Raju, s/o Late Sooraiah, Male, Hindu.
14 Narava China Talli, W/o Late Sooraiah, Female, Hindu.
(All the petitioners R/o Butchirajupale, Near N.A.D. Kotha

Road, Visakhapatnam - 27).

..... PETITIONERS

AND

1 Ganne Srimannarayana, Male , HIndu,
C/o Devi Industries, Butchirajupalem, Visakhapatnam - 27.
2 Valluri Palli Rukminibayamma, Female, Hindu,

w/o Venkateswararao, C/o Devi Industries, Butchirajupalem,

Visakhapatnam - 27.
3 Valluripalli Venkateswara Rao, Male, Hindu,
Butchirajupalem, Visakhapatnam - 27.
4 Valluripalli Durgaprasad @ Alias, S/o Venkateswararao,
C/o Devi Industries, Butchirajupalem, Visakhapatnam - 27.

5 Valluripalli Seetamma, Female, Hindu, w/o Durga Prasad @

Babu, Butchirajupalem, Visakhapatnam - 27.

6 Manasa Public School, Rep. by its Principal Near NSTL

in Gate Road, Butchirajupalem, Visakhapatnam - 27.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of writ of certiorari calling for the record from the Special Court A.P. Land Grabbing (Prohibition) Act, at Hyderabad and set aside the order passed by it dated 16-11-2004 in I.A.No. 1285 of 2003 in L.G.C. No. 80 of 1998 and allow the said petition or to pass any other order or orders.

Counsel for the Petitioners: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

WRIT PETITION NO : 4870 of 2005

Between:

1 N. Appalanarasama (died).
2 Narava Appa Rao, S/o Late Nasimhulu, Male, Hindu.
3 Narava Venkata Swamy, s/o Late Narsimhulu, Male,

Hindu.
4 Narava Samba Murthy, s/o Late Narsimhulu, Male, Hindu.
5 Narava Suri Babu, s/o Late Narsimhulu, Male, Hindu.
6 Narava Shankar Rao, s/o Late Yellaiah, Male, Hindu.
7 Narava Chander Rao, s/o Late Yellaiah, Male, Hindu.
8 Narava Mohan Rao, s/o Late Yellaiah, Male, Hindu.
9 Narava Ramana s/o Late Yellaiah, Male, Hindu.
10 Narava Atchayamma, Late Yellaiah, Female, Hindu.
11 Narava Venkata Swamy, s/o Late Sooraiah, Male, Hindu.
12 Narava Eswara Rao, s/o Late Sooraiah, Male, Hindu.
13 Narava Paidi Raju, s/o Late Sooraiah, Male, Hindu.
14 Narava China Talli, W/o Late Sooraiah, Female, Hindu.

(All the petitioners R/o Butchirajupale, Near N.A.D. Kotha Road, Visakhapatnam - 27).

..... PETITIONERS

AND

1. Konatala Appa Rao @ Akula Appa Rao,
S/o not known, aged 60 years, Male, Hindu.
2. Konatala Rama Krishna, S/o Appa Rao,
aged 48 years, Male, Hindu.
3. Konatala Kasi Viswanatham, S/o Appa Rao,
aged 43 years, Male, Hindu.

4. Konatala Ramalingaswamy, S/o Appa Rao,
aged 40 years, Male, Hindu.
5. Konatala Dhana Satyanarayana, S/o Appa Rao,
aged 38 years, Male, Hindu.
6. Konatala Govindarajulu, S/o Appa Rao,
aged 36 years, Male, Hindu.
(Res. Nos. 1 to 6 are R/o. Raithu Sangham Veedhi,
Nidamandoddi, Gavarapale, Anakapalle, Visakhapatnam Dist).
7. Kinjarapu Asiramma, W/o Appanna, R/o Bharat Nagar,
Butchirajupalem Post, Visakhapatnam.
8. Bhatha Papa, W/o Chinna Rao, R/o Bharatnagar,
Butchirajupalem Post, Visakhapatnam – 27.
9. R. Manikyam, Civil Contractor, R/o Ganesh Nagar,
Butchirajupalem, Visakhapatnam.
10.K. Ramu Naidu, Ex. Vill. Karanam, R/o Butchirajupalem,
Visakhapatnam District.
11.K.V. Ramana, Railway employee, R/o K.R. College,

Butchirajupalem, Visakhapatnam – 27.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of writ of Mandamus calling for the record from the Special Court A.P Land Grabbing (Prohibition) Act, at Hyderabad and set-aside the order passed by it dated 16-11-2004 in I.A No. 1284 of 2003 in L.G.C No. 79 of 1998 and allow the said petition or to pass any other order or orders.

Counsel for the Petitioners: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

WRIT PETITION NO : 4882 of 2005

Between:

1 N.Appalanarasama (died)
2 Narava Appa Rao, s/o late Narsimhulu,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
3 Narava Venkata Swamy, s/o late Narsimhulu,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
4 Narava Samba Murthy, s/o late Narsimhulu,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
5 Narava Suri Babu, s/o late Narsimhulu,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.

6 Narava Shankar Rao, s/o late Yellaiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
7 Narava Chander Rao, s/o late Yellaiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
8 Narava Mohan Rao, s/o late Yellaiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
9 Narava Ramana, s/o late Yellaiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
10 Narava Atchayamma, s/o late Yellaiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
11 Narava Venkata Swamy, s/o late Sooraiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
12 Narava Eswara Rao, s/o late Sooraiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
13 Narava Paidi Raju, s/o late Sooraiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.
14 Narava China Talli, w/o late Sooraiah,
r/o Butchirajupalem, Near N.A.D.Kotha Road, Visakhapatnam-27.

..... PETITIONERS

AND

1 Ganne Srimannarayana,
r/o Padma Buildings, Visakhapatnam-1.
2 Valluripalli Rukmini Bayamma, w/o Venkateswara Rao,
c/o Devi Industries, Butchirajupalem, Visakhapatnam-27.
3 Vallurupalli Venkateswara Rao,
c/o Devi industries, Butchirajupalem, Visakhapatnam-27.
4 Vallurupalli Durga Prasad @ Babu, s/o Venkateswararao,
c/o Devi Industries, Butchirajupalem, Visakhapatnam-27.
5 Manasa Public School, rep., by its Principal, Near NSTL

in Gate Road, Buchirajupale,
Visakhapatnam-27.
6 Yelamanchili Appa Rao, s/o late Appala Naidu,
Butchirajupale, Visakhapatnam-27.
7 Yelamanchili Tata Rao, s/o late Appala Naidu,
Butchirajupale, Visakhapatnam-27.
8 Yelamanchili Simhachalam, w/o late Appala Naidu,
r/o Butchirajupale, Visakhapatnam-27.
9 Karri Rajeswari, w/o late Kunchi Naidu,
r/o Butchirajupalem, Visakhapatnam-27.
10 Dhoolipoodi Subba Rao, s/o Pattabhiramaiah,
Butchirajupale, Visakhapatnam.
11 Daliboni Chinna Rao, s/o late Appanna,
r/o Butchirajupalem, Visakhapatnam.
12 Nammi Appa Rao, s/o late Pothu Raju,
r/o Butchirajupalem, Visakhapatnam.
13 Nammi Kama Raju, s/o late Pothu raju,
r/o Butchirajupale, Visakhapatnam-27.
14 Boni Appa Rao, s/o late Sanyasi,
r/o Butchirajupale, Visakhapatnam-27.
15 Boni Durga Rao, s/o late Sanyasi,
r/o Butchirajupale, Visakhapatnam-27
16 Nammi Demudu, s/o Manida,
r/o Butchirajupalem, Visakhapatnam-27.
17 Nammi Ramana, s/o late Madina,
r/o Butchirajupalem, Visakhapatnam-27.
18 Niddanna Narayanama, w/o P.Naidu,
r/o Butchirajupalem, Visakhapatnam-27.
19 Golagani Paidamma @ Papa, w/o Nooka Raju,
r/o Butchirajupalem, Visakhapatnam-27.
20 Uppala Appala Swamy,
r/o Butchirajupalem, Visakhapatnam-27.
21 Dikka Adi Laxmi,
r/o Butchirajupalem, Visakhapatnam-27.
22 Pendam Adi Laxmi,
r/o Butchirajupalem, Visakhapatnam-27.
23 Gopala Krishna Mahanti,
r/o Butchirajupalem, Visakhapatnam-27.
24 Srinivasa Mahanthi,
r/o Butchirajupalem, Visakhapatnam-27.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of certiorari calling for the record from the Special Court A.P.Land Grabbing (Prohibition) Act, at Hyderabad and quash the order passed by it dated 16-11-2004 in I.A.No.1081 of 2004 in L.G.C.No.77 of 1998 and allow the said petition or to pass any other order or orders.

Counsel for the Petitioners: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

The Court made the following:

COMMON ORDER: (per Sri B. Sudershan Reddy, J)

These writ petitions may be disposed of by a common order since they arise out of the common order passed by the Special Court under A.P Land Grabbing (Prohibition) Act, Hyderabad
dated 16-11-2004 dismissing the interlocutory applications filed by the petitioners herein seeking condoning delay of 2188 days and 1859 days delay in filing applications under Order 9 Rule 4 of CPC praying the Court to set aside the dismissal order
dated 16-07-1988 passed by the Special Court in L.G.C Nos. 77 to 80 of 1998.

That an affidavit has been filed on behalf of the petitioners stating that originally the L.G.Cs were entrusted to one Srinivasa Rao who undertook to look after the matter. The Special Court took cognizance of the L.G.Cs on 05-05-1998 and the matter was posted to 15-07-1998 for depositing the charges towards publication of the notification in the official gazette. That a letter was received from the counsel during

the second week of May, 1998 informing the said Srinivasa Rao that an amount of Rs.20,000/- is required to be deposited towards gazette notification charges. It is stated that the deponent of the affidavit was bedridden and advised bed rest from 20-07-1998 onwards and he was confined in bed for almost 16 months. It is for that reason he could not make necessary arrangements for deposit of the charges towards publication of notification in the official gazette. The said Srinivasa Rao did not take any interest and accordingly, the deponent of the affidavit requested his friend Srinivasa Rao to meet the advocate at Hyderabad and appraise him about the situation and requested him to file an application for extension of time for payment of publication charges. The 2nd petitioner submitted that he was told by his friend that he has informed the advocate about the same and therefore, he was under an impression that an application was filed and the matters were pending.

That no medical certificate has been produced by the petitioners in support of the applications that the 2nd petitioner was bedridden for 16 months and therefore, he could not take any proper steps by depositing the required amounts towards the charges for publication of notification in the official gazette. Since no affidavit of the said Srinivasa Rao has been filed and an allegation is made in the affidavit filed in support of the application that the said Srinivasa Rao left Visakhapatnam and his whereabouts are not known, the Special Court having meticulously scrutinized the averments made in the affidavit found that those averments are so vague and indefinite which do not disclose any cause much less sufficient cause for condoning the inordinate delay from 20-11-1999 to the last week of August, 2003 when the application was filed by the petitioners herein seeking condonation of delay.

The Special Court, in our considered opinion, did not commit any error apparent on the face of the record requiring our interference in exercise of Certiorari jurisdiction. The order is not vitiated by any error apparent on the face of the record. Each and every allegation and averments made in the affidavit has been taken into consideration by the Special Court in order to consider as to whether the averments made in the affidavit filed in support of the applications disclose any sufficient cause to condone the inordinate delay of about more than 6½ years. We find no bonafides on the part of the petitioners in filing the present applications, which were rightly

dismissed by the Special Court. No interference of this Court is called for.

The Writ Petitions are accordingly dismissed.

(B. Sudershan Reddy, J)

11-03-2005

(C.V. Ramulu, J)

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To

1. The Principal, Manasa Public School, Near NSTL

in Gate Road, Butchirajupalem, Visakhapatnam - 27.

2. Two CD copies.